

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Donavan E. Miller,)	C/A No.: 1:15-1253-SB-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Jodie Taylor; Andy Strickland; and)	
Matthew Bell,)	
)	
Defendants.)	
)	

Plaintiff, proceeding pro se and in forma pauperis, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. Defendants filed a motion for summary judgment on October 27, 2015. [ECF No. 38]. As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), on October 28, 2015, advising him of the importance of the motion to dismiss and of the need for him to file an adequate response. [ECF No. 39]. Plaintiff was specifically advised that if he failed to respond adequately, Defendants' motion may be granted. *Id.* Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff failed to respond to the motion.

On December 14, 2015, the court ordered Plaintiff to advise whether he wished to continue with the case by December 29, 2015. [ECF No. 41]. On December 21, 2015, the court's order was returned as undeliverable, as Plaintiff had not clarified his new detainee number. [ECF No. 43]. The court mailed the order to Plaintiff again on December 22, 2015. [ECF No. 44]. In an abundance of caution, the court extends Plaintiff's deadline

until January 19, 2016, to respond to Defendants' motion for summary judgment. Plaintiff is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Shiva V. Hodges". The signature is written in a cursive, flowing style.

January 5, 2016
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge